

EXHIBIT K

MCCANLISS & EARLY, LLP

WALL STREET PLAZA

88 PINE STREET

TELEPHONE: 212-943-0280

NEW YORK, NY 10005

FACSIMILE: 212-943-0283

December 14, 2009

Mr. Peng Yan

Redacted

Re: Estate of Armand L. Greenhall

Dear Peng:

Enclosed are copies of protective claims for refund of U.S. and New York State Estate Taxes which I have filed today by mail.

The Internal Revenue Service and the New York State Commissioner of Taxation put a limit on the amount of time you have to request a refund of tax after a return has been filed. This is usually three years from the date the return is filed. These filings are intended to extend that time to file to the maximum allowable whatever that may at the time the Claim for refund is filed. If we do have to pay money back to the bankruptcy trustee, we will hopefully have the right to claim the refunds.

This is only for your information. No action is required by you.

Sincerely,


Deirdre A. Sweeney

Enclosures

MCCANLISS & EARLY, LLP

WALL STREET PLAZA

88 PINE STREET

NEW YORK, NY 10005

COPY

TELEPHONE: 212-943-0280

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December 14, 2009

Certified Mail/Return Receipt Requested

Department of the Treasury
Internal Revenue Service Center
Cincinnati, OH 45999

Re: Estate of Armand L. Greenhall

Soc. Sec. # [Redacted] -5904

Date of Death: [Redacted]

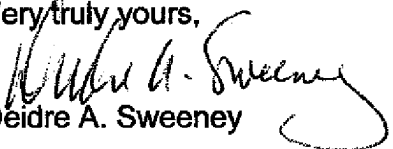
Dear Sirs:

On behalf of myself and Peng Yan, Executors of the Estate of Armand L. Greenhall, I enclose a protective Claim for Refund – Form 843 in connection with the captioned estate.

As indicated on the form, this protective claim is based on a currently unliquidated possible liability to Irving H. Picard, the Bankruptcy Trustee appointed in connection with the Bernard Madoff Ponzi scheme. A more detailed explanation is presented on the rider to the form.

Please acknowledge receipt of the enclosures by stamping the enclosed copy of this letter and returning it to me in the envelope provided.

Very truly yours,


Deidre A. Sweeney

Enclosure

cc: Peng Yan

Form **843**
(Rev. February 2008)
Department of the Treasury
Internal Revenue Service

Claim for Refund and Request for Abatement

OMB No. 1545-0024

► See separate instructions.

Use Form 843 if your claim or request involves:

- (a) a refund of one of the taxes (other than income taxes and an employer's claim for FICA tax, RRTA tax, or income tax withholding), shown on line 3,
- (b) an abatement of FUTA tax or certain excise taxes, or
- (c) a refund or abatement of interest, penalties, or additions to tax for one of the reasons shown on line 5a.

Do not use Form 843 if your claim or request involves:

- (a) an overpayment of income taxes or an employer's claim for FICA tax, RRTA tax, or income tax withholding (use the appropriate amended tax return),
- (b) a refund of excise taxes based on the nontaxable use or sale of fuels, or
- (c) an overpayment of excise taxes reported on Form(s) 11-C, 720, 730, or 2290.

Name(s) Estate of Armand L. Greenhall, Deldre A. Sweeney & Peng Yan, Executors	Your social security number Redacted 5904
Address (number, street, and room or suite no.) c/o McCanliss & Early LLP, 88 Pine Street, 21st Floor	Spouse's social security number
City or town, state, and ZIP code New York, New York 10005	Employer identification number (EIN) Redacted 6680
Name and address shown on return if different from above	Daytime telephone number (212) 943-0280

1 Period. Prepare a separate Form 843 for each tax period
From **04 / 14 / 2008** to / /

2 Amount to be refunded or abated
\$ To be determined

3 Type of tax. Indicate the type of tax to be refunded or abated or to which the interest, penalty, or addition to tax is related.
☐ Employment ☒ Estate ☐ Gift ☐ Excise ☐ Income

4 Type of penalty. If the claim or request involves a penalty, enter the Internal Revenue Code section on which the penalty is based (see instructions). IRC section: _____

5a Interest, penalties, and additions to tax. Check the box that indicates your reason for the request for refund or abatement. (If none apply, go to line 6.)

- ☐ Interest was assessed as a result of IRS errors or delays.
- ☐ A penalty or addition to tax was the result of erroneous written advice from the IRS.
- ☐ Reasonable cause or other reason allowed under the law (other than erroneous written advice) can be shown for not assessing a penalty or addition to tax.

b Date(s) of payment(s) ► _____

6 Original return. Indicate the type of return filed to which the tax, interest, penalty, or addition to tax relates.
☒ 706 ☐ 709 ☐ 940 ☐ 941 ☐ 943 ☐ 945
☐ 990-PF ☐ 1040 ☐ 1120 ☐ 4720 ☐ Other (specify) ► _____

7 Explanation. Explain why you believe this claim or request should be allowed and show the computation of the amount shown on line 2. If you need more space, attach additional sheets.

SEE ATTACHED RIDER

Signature. If you are filing Form 843 to request a refund or abatement relating to a joint return, both you and your spouse must sign the claim. Claims filed by corporations must be signed by a corporate officer authorized to sign, and the officer's title must be shown.

Under penalties of perjury, I declare that I have examined this claim, including accompanying schedules and statements, and, to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Michael G. Sweeney **Executor** **12/11/2009**
Signature (Title, if applicable. Claims by corporations must be signed by an officer.) Date

Signature (spouse, if joint return) _____

Date _____

Paid Preparer's Use Only	Preparer's signature _____	Date _____	Check if self-employed <input type="checkbox"/>	Preparer's SSN or PTIN _____
	Firm's name (or yours if self-employed), address, and ZIP code _____	EIN _____	Phone no. _____	()

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 10180R

Form **843** (Rev. 02-2009)

YAN PRODUCTION 000003

RIDER TO IRS FORM 843 – CLAIM FOR REFUND

ESTATE OF ARMAND L. GREENHALL

DATE OF DEATH: Redacted

DEIDRE A. SWEENEY AND PENG YAN, EXECUTORS

On behalf of the Estate of Armand L. Greenhall who died on Redacted Redacted, we hereby file a protective claim for a refund of U.S. Estate tax with respect to the U.S. Estate Tax return filed by the Estate on July 10, 2009.

This request is based on a currently unliquidated liability to the Irving H. Picard, the Bankruptcy Trust appointed to administer the Bernard Madoff Securities scandal.

The decedent, Armand L. Greenhall was a client of Bernard L. Madoff when he died a resident of New York City on Redacted. His Will was filed in the New York County Surrogate's Court and Deidre A. Sweeney and Peng Yan, were appointed as Preliminary Executors on May 6, 2008. Thereafter, the Executors collected Bernard L. Madoff Investment Securities account number 1-GO234-3 which contained \$3,805,069.00 and Bernard L. Madoff Investment Securities – IRA account number 1-GO109-31 which contained \$1,150,373. These funds represented approximately 55% of Mr. Greenhall's total assets reported on his U.S. Estate Tax return. The tax paid of \$2,528,048.34 was based on the inclusion of the Madoff assets in the estate. The possibility of the liability is disclosed on Schedule L-Net Losses During Administration of the return, but no amount is claimed as a deduction.

The purpose of this protective claim for refund is to preserve the Estate's right to claim a refund of Estate Tax in the event that the Estate of Armand L. Greenhall is required to repay some or all of the funds collected from the Bernard L. Madoff accounts to the Bankruptcy Trustee.

An estimated computation of the resulting estate tax liability is attached to this rider.

Computation of Estate Tax Liability

	<u>Original return</u>	<u>Protective Claim w/o Madoff Assets</u>
1. Gross Estate	9,212,846.17	4,257,404.17
2. Allowable Deductions	<u>(756,905.50)</u>	<u>(649,155.50)</u>
3. a. Taxable Estate	8,455,940.67	3,608,248.67
b State death tax deduction	<u>(838,055.46)</u>	<u>(239,657.86)</u>
c. Taxable estate	7,617,885.21	3,368,590.83
6. Tentative Tax	3,308,848.34	1,368,590.83
9. Maximum unified credit	780,800.00	780,800.00
16. Net Estate tax	2,528,048.34	615,865.87
Estimated Protective claim for Refund		1,912,182.47

MCCANLISS & EARLY, LLP
WALL STREET PLAZA
88 PINE STREET
NEW YORK, NY 10005

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TELEPHONE: 212-943-0280

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December 14, 2009

Certified Mail/Return Receipt Requested

NYS Estate Tax
Processing Center
P.O. Box 15167
Albany, NY 12212-5167

Re: Estate of Armand L. Greenhall
Soc. Sec. # [Redacted] 5904
Date of Death: [Redacted]

Dear Sirs:

On behalf of myself and Peng Yan, Executors of the Estate of Armand L. Greenhall, I hereby file a protective Claim for Refund of New York Estate Tax in connection with the captioned estate. A computation of the possible adjustment to the New York Estate Tax which will be required in the event the Estate of Armand L. Greenhall is forced to pay funds back to the

Enclosed is copy of the protective claim for Refund - Form 843 filed with the Internal Revenue Service with respect to the U.S. Estate Tax Return (Form 706). As indicated on the Form 843, this protective claim is based on a currently unliquidated possible liability to Irving H. Picard, the Bankruptcy Trustee appointed in connection with the Bernard Madoff Ponzi scheme. A more detailed explanation is presented on the rider to the form.

A computation of the possible adjustment to the New York Estate Tax which will be required in the event the Estate of Armand L. Greenhall is forced to pay funds back to the Bankruptcy Trustee is attached to this letter.

Please acknowledge receipt of the enclosures by stamping the enclosed copy of this letter and returning it to me in the envelope provided.

Very truly yours,

Deidre A. Sweeney

Enclosure
cc: Peng Yan

Computation of Estate Tax Liability if All Madoff Assets
are Claimed by Bankruptcy Trustee

	<u>Original return</u>	<u>Protective Claim</u> <u>w/o Madoff Assets</u>
20. Gross Estate	9,212,846.17	4,257,404.17
23 Allowable Deductions	<u>(756,905.50)</u>	<u>(649,155.50)</u>
26. Taxable Estate	8,455,940.67	3,608,248.67
29. Tentative Tax	4,291,567.37	1,625,336.77
32. Maximum unified credit	345,800.00	345,800.00
35. Net Estate tax	3,945,767.37	1,279,536.77
36. Maximum NYS Credit for State Death Taxes & Tax Due	838,055.46	239,657.86
Estimated Protective Claim for Refund of New York Estate Tax		\$ 598,397.60

Tax

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NEW YORK, NY 10005

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TELEPHONE: 212-943-0280

FACSIMILE: 212-943-0283

July 10, 2009

Certified Mail/Return Receipt Requested



NYS Estate Tax
Processing Center
P.O. Box 15167
Albany, NY 12212-5167

Re: Estate of Armand L. Greenhall
Soc. Sec. # Redacted 5904
Date of Death: Redacted

Dear Sirs:

On behalf of myself and Peng Yan as Executors, I enclose a New York Estate Tax Return (Form ET-706) for filing in connection with the Estate.

A payment on account of the New York State Estate Tax in the amount of \$882,000. was made on December 29, 2009. A refund of \$43,944.54 is shown to be due on the return.

Please acknowledge receipt of the enclosures by stamping the enclosed copy of this letter and returning it to me in the envelope provided.

Thank you for your assistance.

Very truly yours,

Deirdre A. Sweeney

cc: Peng Yan ✓

For office use only



New York State Department of Taxation and Finance

New York State Estate Tax Return

ET-706

For an estate of an individual who died
on or after February 1, 2000 and before January 1, 2008

CAUTION (3/08)
This is an amended return.
Mark an X in the box.

Decedent's last name Greenhall		First name Armand L.	Middle initial Redacted	Social security number (SSN) Redacted
Address of decedent at time of death (number and street) Redacted			Date of death Redacted	If copy of death certificate is attached, mark an X in the box <input type="checkbox"/>
City Redacted	State Redacted	ZIP code Redacted	County of residence Redacted	
If the decedent was a nonresident of New York State (NYS) on the date of death, mark an X in the box and attach a completed Form ET-141, New York State Estate Tax Domicile Affidavit. <input type="checkbox"/>				
Employer identification number (EIN) of the estate Redacted		Name and EIN of any trusts created or funded by the will 6680		
Executor - If you are submitting Letters Testamentary or Letters of Administration with this form, indicate in the box the type of letters. Enter L if regular, LL if limited letters. If you are not submitting letters with this form, enter N. <input checked="" type="checkbox"/> L				
Surrogate's court - If a proceeding for probate or administration has commenced in a surrogate's court in NYS, enter county. New York County				

Attorney's or authorized representative's last name Sweeney, Deidre A.		First name Sweeney, Deidre A.	MI Redacted
In care of (firm's name) McCanliss & Early, LLP		If POA is attached, mark an X in the box <input type="checkbox"/>	E-mail address of executor Redacted
Address of attorney or authorized representative 88 Pine Street, 21st Floor		Address of executor See Attached	
City New York	State New York	ZIP code 10005	City Redacted
SSN or PTIN of attorney or authorized rep. Redacted	Telephone number 3522	Social security number of executor Redacted	Telephone number ()

If the decedent possessed a cause of action or was a plaintiff in any litigation at the time of death, mark an X in the box and complete Schedule 3 (see Form ET-706-I, Instructions for Form ET-706) ☐

Installment payments of tax for closely held business - Do you elect to pay the tax in installments as described in IRC section 6166 (NYS Tax Law section 997)? If Yes, attach Form ET-415 (see Form ET-706-I) ☐ Yes ☒ No

If releases of lien are needed, attach Form(s) ET-117 (see Form ET-706-I) and enter the number of counties here ☐

a Is a federal estate tax return (either federal Form 706 or 706-NA) required to be filed with the IRS (see Form ET-706-I)? ☒ Yes ☐ No

Note: You must submit a completed federal estate tax return with this return, even when you are not required to file with the federal Internal Revenue Service.

b Taxable estate for NYS (from Schedule A, line 26, or Schedule B, line 43) **8,455,940**

c Gross federal estate tax for NYS (from Schedule A, line 31, Schedule B, line 49) **4,291,567**

Tax Computation	1 NYS credit for state death taxes (from Schedule A, line 36, or Schedule B, line 51)	1.	838,055	46
	2 If there is property outside NYS that is included in the federal gross estate, see instructions; otherwise enter 0 here and on lines 3, 5, 6, and 7, and enter the amount from line 1 on line 8	2.		
	3 Residents enter amount from Schedule 1, line 14; nonresidents enter amount from Schedule 2, line 19	3.	0	00
	4 Total gross estate, less exclusion, for NYS (from Schedule A, line 22, or Schedule B, line 39)	4.	9,212,846	17
	5 Divide line 3 by line 4 (round the result to the fourth decimal place). The result must not be greater than 1.0	5.	0	0000
	6 Multiply the amount on line 1 by the decimal on line 5 (round to nearest cent)	6.	0	00
	7 Enter the lesser of line 2 or line 6, if any; otherwise enter 0	7.	0	00
	8 NYS estate tax (subtract the amount on line 7 from the amount on line 1)	8.	838,055	46
	9 Prior tax payments to NYS, if any (attach a schedule of dates and amounts)	9.	882,000	00
	10 If line 9 is less than line 8, subtract line 9 from line 8. This is the amount you owe	10.	0	00
	11 If line 9 is greater than line 8, subtract line 8 from line 9. This is the amount to be refunded to you	11.	43,944	54

If an attorney or authorized representative is listed above, he or she must complete the following declaration.

I declare that I have agreed to represent the executor(s) for the above estate, that I am authorized to receive tax information regarding the estate, and I am (mark an X in all that apply): ☒ an attorney ☐ a certified public accountant ☐ an enrolled agent ☐ a public accountant enrolled with the NYS Education Department

Signature of attorney or authorized representative Deidre A. Sweeney		Date 7-9-9	E-mail address of attorney Redacted
Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Furthermore, I/we, as executor(s) for this estate, authorize the person, if any, named as my/our representative on this return to receive confidential tax information regarding this estate.			
Signature of executor Deidre A. Sweeney		Date 7-9-9	Signature of co-executor Redacted
Print name of preparer other than executor Deidre A. Sweeney		Date 7-9-9	Signature of preparer other than executor Redacted
Address of preparer McCanliss & Early, LLP, 88 Pine Street, 21st Floor New York, NY 10005		City New York	State NY
E-mail address of preparer Redacted		ZIP code 10005	

YAN PRODUCTION 000009

EST OF ARMAND L. GREENHALL		COMMAND ASSET PROGRAM		1033
PENG YAN EXEC		December 18, 2008		66-21/530
DEIDRE A. SWEENEY EXEC		Date		BRANCH 88204
88 PINE STREET 21ST FLOOR		Pay to the		
NEW YORK, NY 10005		Order of		
		NYS Commissioner of Taxation and Finance		
		Eight Hundred Eighty Tow Thousand and 00/100		\$ 882,000.00
		WACHOVIA SECURITIES		Dollars
Redacted		CODE		Security Features Details on back.
5904		Redacted		
For NY 3 FORM ET-133		Redacted		
0530002191		4727		1033

MCCANLISS & EARLY, LLP
WALL STREET PLAZA
88 PINE STREET
NEW YORK, NY 10005

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TELEPHONE: 212-943-0280

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July 10, 2009

Certified Mail/Return Receipt Requested

Department of the Treasury
Internal Revenue Service Center
Cincinnati, OH 45999

Re: Estate of Armand L. Greenhall
Soc. Sec. # Redacted -5904
Date of Death: Redacted

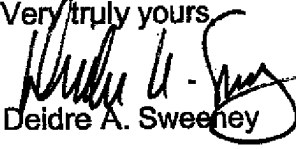
Dear Sirs:

On behalf of myself and Peng Yan, Executors of the Estate of Armand L. Greenhall, I enclose a United States Estate Tax Return (Form 706) for filing in connection with the Estate.

A payment on account of the U.S. Estate Tax in the amount of \$2,650,000. was made on December 29, 2009. A refund of \$121,951.66 is shown to be due on the return.

Please acknowledge receipt of the enclosures by stamping the enclosed copy of this letter and returning it to me in the envelope provided.

Thank you for your assistance.

Very truly yours,

Deidre A. Sweeney

cc: Peng Yan ✓

706 Form 706 (Rev. August 2008)		United States Estate (and Generation-Skipping Transfer) Tax Return		OMB No. 1545-0015	
Department of the Treasury Internal Revenue Service		Estate of a citizen or resident of the United States (see separate instructions). To be filed for decedents dying after December 31, 2007, and before January 1, 2009.			
Part 1—Decedent and Executor	1a Decedent's first name and middle initial (and maiden name, if any)	1b Decedent's last name		2 Decedent's Social Security No.	
	Armand L.	Greenhall		Redacted 5904	
	3a County, state, and ZIP code, or foreign country, of legal residence (domicile) at time of death	3b Year domicile established	4 Date of birth	5 Date of death	
	Redacted	1933	Redacted	Redacted	
	6b Executor's address (number and street including apartment or suite no.; city, town, or post office; state; and ZIP code) and phone no.				
	6a Name of executor (see page 4 of the instructions)				
	Deidre A. Sweeney & Peng Yan				
	6c Executor's social security number (see page 5 of the instructions)				
	Redacted 3522 & Redacted -4026				
	7a Name and location of court where will was probated or estate administered				
New York County Surrogate's Court New York, NY					
7b Case number					
2008-1750					
8 If decedent died testate, check here <input checked="" type="checkbox"/> and attach a certified copy of the will. 9 If you extended the time to file this Form 706, check here <input checked="" type="checkbox"/>					
10 If Schedule R-1 is attached, check here <input type="checkbox"/>					
Part 2—Tax Computation	1 Total gross estate less exclusion (from Part 5—Recapitulation, page 3, item 12)		1	9,212,846	17
	2 Tentative total allowable deductions (from Part 5—Recapitulation, page 3, item 22)		2	756,905	50
	3a Tentative taxable estate (before state death tax deduction) (subtract line 2 from line 1)		3a	8,455,940	67
	b State death tax deduction		3b	838,055	46
	c Taxable estate (subtract line 3b from line 3a)		3c	7,617,885	21
	4 Adjusted taxable gifts (total taxable gifts (within the meaning of section 2503) made by the decedent after December 31, 1976, other than gifts that are includible in decedent's gross estate (section 2001(b)))		4		
	5 Add lines 3c and 4		5	7,617,885	21
	6 Tentative tax on the amount on line 5 from Table A on page 4 of the instructions		6	3,308,848	34
	7 Total gift tax paid or payable with respect to gifts made by the decedent after December 31, 1976. Include gift taxes by the decedent's spouse for such spouse's share of split gifts (section 2513) only if the decedent was the donor of these gifts and they are includible in the decedent's gross estate (see instructions)		7		
	8 Gross estate tax (subtract line 7 from line 6)		8	3,308,848	34
	9 Maximum unified credit (applicable credit amount) against estate tax		9	780,800.00	
	10 Adjustment to unified credit (applicable credit amount). (This adjustment may not exceed \$6,000. See page 6 of the instructions.)		10		
	11 Allowable unified credit (applicable credit amount) (subtract line 10 from line 9)		11	780,800	00
	12 Subtract line 11 from line 8 (but do not enter less than zero)		12	2,528,048	34
	13 Credit for foreign death taxes (from Schedule(s) P). (Attach Form(s) 706-CE.)		13		
	14 Credit for tax on prior transfers (from Schedule Q)		14		
	15 Total credits (add lines 13 and 14)		15		
	16 Net estate tax (subtract line 15 from line 12)		16	2,528,048	34
	17 Generation-skipping transfer (GST) taxes payable (from Schedule R, Part 2, line 10)		17		
	18 Total transfer taxes (add lines 16 and 17)		18	2,528,048	34
19 Prior payments. Explain in an attached statement		19	2,650,000	00	
20 Balance due (or overpayment) (subtract line 19 from line 18)		20	121,951	66	
Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than the executor) is based on all information of which preparer has any knowledge.					
Sign Here	Signature of executor		Date		
	Signature of executor		Date		
Paid Preparer's Use Only	Preparer's signature		Date		Preparer's SSN or PTIN
	Firm's name (or yours if self-employed), address, and ZIP code		EIN		Redacted 3522
	McCanliss & Early LLP, 88 Pine St.		Redacted 7190		
	New York, NY 10005		Phone no. (212) 943-0280		

EST OF ARMAND L. GREENHALL PENG YAN EXEC DEIDRE A. SWEENEY EXEC 88 PINE STREET 21ST FLOOR NEW YORK, NY 10005		COMMAND ASSET PROGRAM December 18, 2008		1032
Pay to the Order of <u>United States Treasury</u>		Date	68-21/530 BRANCH 98204	
Two Million Six Hundred Fifty Thousand and 00/100		\$	2,650,000.00	
WACHOVIA SECURITIES		Dollars		
Redacted <u>5904</u>		CODE <u>Wachovia</u>		
For <u>FORM 4768 - FORM 706</u>		<u>Peng Yan</u>		
⑆053000219⑆		Redacted <u>4727</u>		
		1032		